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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARIO ANTONIO SALCIDO,  
  
Defendant.

CASE NO. 1:21-CR-00127-ADA-BAM

STIPULATION VACATING STATUS  
CONFERENCE AND SETTING CHANGE OF  
PLEA HEARING; [PROPOSED] FINDINGS AND  
ORDER

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for Status Conference on September 13, 2023.
2. By this stipulation, defendant now moves to vacate the status conference on September 13, 2023, and set a change of plea hearing on October 2, 2023, at 1:00 p.m., and to exclude time between September 13, 2023, and October 2, 2023, at 1:00 p.m., under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes reports, videos, photographs, and the recorded statement of the defendant. All of this discovery has been produced directly to counsel and/or made available for inspection.

b) The defendant filed a motion to suppress on July 6, 2022. Docket No. 26. The government filed its response on May 22, 2023. A hearing on the motions occurred on July 11, 2023. On August 11, 2023, the Court issued an order denying the motion to suppress.

c) Counsel for defendant desires additional time to finalize the plea documents prior to the hearing.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of September 13, 2023 to October 2, 2023, at 1:00 p.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: August 31, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ ANTONIO J. PATACA  
ANTONIO J. PATACA  
Assistant United States Attorney

1 Dated: August 31, 2023

/s/ TIMOTHY P. HENNESSY

TIMOTHY P. HENNESSY

Counsel for Defendant

MARIO ANTONIO SALCIDO

**ORDER**

IT IS SO ORDERED that the status conference set for September 13, 2023, is vacated. A change of plea hearing is set for **October 2, 2023, at 8:30 a.m. before District Judge Ana de Alba**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **August 31, 2023**

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE